

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE: CAPITAL ONE CONSUMER)	
DATA SECURITY BREACH LITIGATION)	MDL No. 1:19md2915 (AJT/JFA)
_____)	

This Document Relates to CONSUMER Cases

**CAPITAL ONE AND AMAZON’S JOINT MOTION TO STAY ORDER REGARDING
THE UNSEALING OF EXHIBITS AND BRIEFS**

Defendants, Capital One Financial Corporation, Capital One Bank (USA), N.A., and Capital One, N.A. (collectively, “Capital One”) and Amazon.com, Inc. and Amazon Web Services, Inc. (collectively, “Amazon” and with Capital One, “Defendants”), by counsel and pursuant to Local Rule 7, respectfully move to stay any action required by forthcoming orders from Magistrate Judge John F. Anderson (the “Joint Motion to Stay”), including but not limited to further orders stemming from the Court’s September 10, 2021 Order [Dkt. No. 1955] denying in part and granting in part certain Motions to Seal filed by the parties [Dkt. Nos 1786, 1790, 1802, 1809, 1829, 1833, 1843, 1881, 1887, 1888, and 1915]¹ (the “Motions to Seal”), so that the District Judge can review Defendants’ anticipated objections to those Order(s) pursuant to 28 U.S.C. § 636(b)(3) and Fed.

¹ The Motions to Seal are: Capital One’s Motion to Seal regarding Capital One’s Supplemental Brief regarding Plaintiffs’ Standing to assert Breach of Contract and Unjust Enrichment Claims [Dkt. No. 1786]; Plaintiffs’ Motion to Seal regarding PowerPoint Presentations on July 12 and 13, 2021 [Dkt. No. 1790]; Plaintiffs’ Motion to Seal regarding Plaintiffs’ Opposition to Capital One’s Motion for Summary Judgment [Dkt. No. 1802]; Plaintiffs’ Motion to Seal regarding Opposition to Amazon’s Motion for Summary Judgment [Dkt. Nos. 1809 & 1843]; Capital One’s Motion to Seal regarding Capital One’s Opposition to Plaintiffs’ Motion for Partial Summary Judgment for Breach of Contract [Dkt. No. 1829]; Capital One’s Motion to Seal regarding Capital One’s Memorandum in Support of Motion *in Limine* to exclude Office of the Comptroller of the Currency (“OCC”) Documents [Dkt. No. 1833]; Plaintiffs’ Motion to Seal regarding Plaintiffs’ Opposition to Capital One’s Motion *in Limine* regarding OCC Documents [Dkt. No. 1881]; Amazon’s Motion to Seal regarding Amazon’s Reply in Support of its Motion for Summary Judgment [Dkt. No. 1887]; Amazon’s Motion to Seal regarding Amazon’s Reply in Support of Motion for Summary Judgment [Dkt. No. 1888]; and Capital One’s Motion to Seal regarding Capital One’s Reply in Support of its Motion for Summary Judgment [Dkt. No. 1915].

R. Civ. P. 72. Consistent with this request, Defendants also ask the Court to temporarily prohibit all parties and the Clerk from posting on the public docket unsealed or unredacted versions of any sealed documents until the District Judge rules on Defendants' anticipated objections.

The reasons in support of this Joint Motion to Stay are set forth in the accompanying memorandum. A proposed order is attached hereto as **Exhibit 1**.

WHEREFORE, Defendants respectfully request that the Court: (1) grant this Joint Motion to Stay; and (2) grant any such further relief that the Court deems proper.

Respectfully submitted this 27th day of September 2021.

/s/ S. Mohsin Reza

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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2021, I caused the foregoing document to be filed with the Clerk of Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/ S. Mohsin Reza
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